IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 24 OF 2006

MRS.YVONNE GENEVIENCE RAY D'SOUZA ....Appellants
AND ANR.,

Versus

M/S MATHIAS ENGINEERS THROUGH HER ....Respondents
CONSTITUTED ATTORNEY MR.JOE
MATHIAS AND 2 ORS.,

Mr. S. D. Lotlikar, Senior Advocate with Ms. S. Naik, Advocate for the appellants.

Mr. V. B. Nadkarni, Senior Advocate with Mr. Y. V. Nadkarni, Advocate for respondents No.1 and 2.

Mr. V. Rodrigues, Advocate for respondent No.3.

Coram:- V.C. DAGA, J.

Date:- 4th August, 2006

P.C.

On the motion made by the learned Counsel for the appellants, he is allowed to withdraw this application made under Order 39, Rules 1 and 2 C.P.C. filed before the trial Court which came to be decided by Order dated 30th March, 2005. In view of the withdrawal of this application for interim relief, the impugned order shall not survive. In this view of the matter, the appeal is rendered infructuous.

The trial Court is directed to decide the application seeking impleadment of Shri Anurag Sharma within 15 days from the date of receipt of copy of this order. It is needless to mention that it would be open to the appellants to seek appropriate relief on the basis of the fresh cause of action. In the event of such application, it would be open for the Court below to consider the same on its own merits. The appeal is,

accordingly, dismissed as infructuous. No order as to costs.

Parties are directed to appear before the trial Court on 17th August, 2006. Mr. Lotlikar undertakes to inform this date to Mr. Nadkarni and his clients.

V.C. DAGA, J.

ssm.